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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,274	09/30/2003	Hui Ling Chen	3098/115	4747

23338 7590 08/11/2004

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER

THOMAS, DAVID B

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/673,274

Applicant(s)

CHEN, HUI LING

Examiner

David B. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-9 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/30/03</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

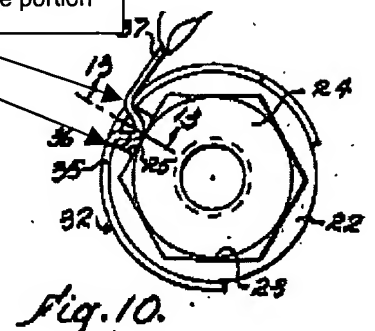
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Fogel (2,805,594).

Fogel ('594) discloses a wrench capable of clamping a screwed member and releasing the screwed member, the wrench having a stem having a head section at one end of the stem; a polygonal socket having multiple inner angles for fitting the screwed member; a substantially C-shaped resilient spring having two ends, the resilient ring being resiliently closable and openable between closed state and an expanded state to change the diameter of the resilient ring, the resilient ring being disposed at the head section to overlap the circumference of the socket, one end of the resilient ring being a fixed end pivotally disposed at the head section, while the other end of the resilient ring being a movable end; and a controlling switch pivotally disposed at the head section and movable between a first position and a second position, the controlling switch being pivotally connected with the movable end of the resilient ring, whereby when operating the controlling switch, the resilient ring is driven to expand or close, in the closed

Movable end, inherently pivotable where the control switch connects to the movable portion

Fixed end, also, inherently, pivotable

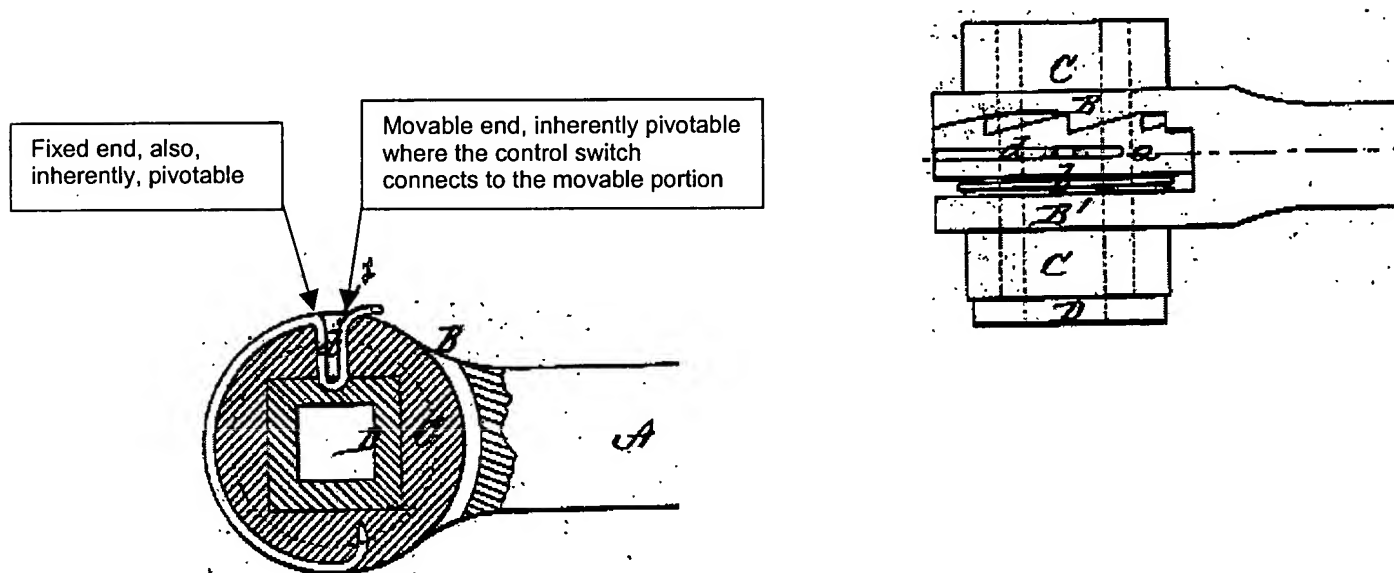


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position, the resilient ring obstructing least one inner angle of the socket, in the expanded position, the resilient ring freeing the inner angle without obstructing the same; wherein in normal state, the resilient ring keeps in the closed position.

3. Claims 1, 2, 4, 5, 7-9, 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Colbert (145,399).

Colbert ('399) discloses a ratchet wrench having the elements as claimed.



### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Colbert (145,399), as applied to claims 1, 2, 4, 5, 7-9, 11, 12, 14, and 15 above, in view of Colvin (5,626,062).

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Colbert ('399), as applied to claims 1, 2, 4, 5, 7-9, 11, 12, 14, and 15 above, discloses the claimed invention except for placing the groove at one end of the ratchet wheel. However, as evidenced by Colvin ('062), it would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed the groove for the resilient ring at one end of the ratchet wheel, since it has been held that rearranging parts of an invention involve only routine skill in the art. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950); *In re Kuhle*, 526 F.2d 553, 188 USPQ 7 (CCPA 1975).

### ***Allowable Subject Matter***

6. Claims 3, 6, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: It is the examiner's opinion that a resilient spring which is in an expanded position in the normal state, a controlling switch that is a rotary switch, in combination with the rest of the limitations of the base claim and any intervening claims, has neither been anticipated nor fairly suggested, in part or whole, by the prior art of record.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Haas, Kalbeck, Maughan, Jr., Parsons et al., and Thompson each disclose a wrench having a retaining feature. Bates discloses a ratchet wrench having a pivotable control member which resides in a slot in the head of the wrench to

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selectively engage the ratchet wheel of the tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
dbt

  
David B. Thomas  
Patent Examiner  
Art Unit 3723